

Bill No. 8038 as Amended

Introduced in Council:

July 1, 2024

Introduced by:

**Frank Annie, Chad Robinson
and Jospeh Jenkins**

Adopted by Council:

July 15,2024

Referred to:

Ordinance & Rules

Bill No. 8038 as Amended - A BILL to amend and reenact Section 10-171 of the Municipal Code of the City of Charleston, as amended, relating to expanding the urban deer hunt to allow for urban bear and coyote hunting; authorizing the use of air rifles of .22 caliber or larger to hunt coyotes as part of the urban hunt; and continuing to limit the urban hunt for all eligible game to the time period consistent with the West Virginia Division of Natural Resources urban hunt rules while expanding the hours to allow for hunting of coyotes at night on private property.

Now, therefore, be it ordained by the Council of the City of Charleston:

That Section 10-171 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

ARTICLE IV. – URBAN HUNTING

Sec. 10-171. – Urban deer, bear, and coyote management.

(a) *Urban hunting conditions.* An urban deer hunt shall be lawful in the City of Charleston only under the following conditions:

(1) Hunting shall be by permit only issued under the terms of this chapter.

(2) The hunt shall be for deer, bear, and coyote only.

(3) Only bows, crossbows, arrows and bolts that comply with applicable state statutes, rules and regulations may be used: *Provided*, That a person may hunt coyote with an air rifle of .22 caliber or larger and such person hunting coyote with an air rifle is subject to all other rifle and firearm hunting regulations as required by Chapter 20 of the West Virginia Code and any rules promulgated thereunder.

(4) Hunting may occur only on property with the written permission of the property owner and on city-owned property which has been designated as available for hunting by the city manager.

(5) All deer and bear harvested must be electronically registered through the West Virginia Electronic Licensing System (ELS) and reported to the city.

(6) No hunting may take place within 150 feet of a dwelling or other occupied building.

(7) No hunting shall take place closer than 500 feet from the property boundary of school property which contains a school building. For purposes of this section "school" means a public school or private school during periods when students are in

attendance or participating in school activities.

(8) Persons shall at all times when hunting pursuant to a city permit carry valid photo identification, a copy of their city permit, and their West Virginia state hunting license and any applicable state permit.

(9) The transportation of a deer, bear, or coyote carcass along any public right-of-way is prohibited unless it is covered or hidden from public view.

(10) All West Virginia hunting rules and regulations apply to hunting within the city: provided. That individuals hunting bear within the city limits are prohibited from hunting bear with dogs.

(11) Any hunting activity including, but not limited to, field dressing or other handling of a carcass, must occur on the property specified in the city permit.

(12) All hunting shall be conducted from an elevated portable tree stand that is at least ten feet in height and faces the interior of the property. The stands and shooting lanes will be located in such a way as to direct arrows, ~~or~~ bolts, or air rifle projectiles to the interior of the property.

(13) Hunting may take place on tracts of five contiguous acres or more and within a sufficient distance from the boundary that an arrow, ~~or~~ bolt, or air rifle projectile cannot reasonably travel outside the permitted tract. Each tract must be approved by the city manager.

(14) A property owner can designate and limit other persons allowed to hunt his or her land with a permit.

(15) The city will be responsible for disposing of any wounded deer, bear, or coyote carcass found on non-permitted property.

(16) Hunting shall be allowed during the maximum time period permitted under state law and regulations promulgated by the West Virginia Division of Natural Resources for an urban deer and bear hunt. Although the West Virginia Division of Natural Resources currently allows for year-round open season hunting of coyotes, the urban coyote hunt shall be limited to the same days as the urban deer and bear hunt, but the hunting of coyotes may occur at night on those days on approved private property tracts.

(b) *Permits.*

(1) In order to obtain a permit, the applicant must meet and have evidence of compliance with all applicable state statutes, regulations and rules applicable to deer or bear hunting with a bow and arrow or a crossbow and arrow or bolt and coyote hunting with an air rifle. The city may impose additional requirements for a hunting permit and may limit the number of permits to be issued.

(2) The city may charge an administrative fee for permits not to exceed \$25.00 per permit.

(3) The city manager is hereby authorized to promulgate reasonable rules and regulations including, but not limited to: (i) setting license fees to regulate hunting; (ii) selecting the tracts to be authorized for hunting as permitted herein; and (iii) promoting safety and facilitating the goals of urban deer, bear, and coyote management.

(4) The city shall post the location of tracts approved for hunting on its website.

(c) *Donated meat.* Hunters are and shall be encouraged but are not required to

82 donate the deer harvest to programs or organizations that will provide the meat to
83 needy persons.

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85 (d) *Violations.* In addition to any penalties for violations of state hunting laws or
86 regulations, any person violating this section, or the rules and regulations promulgated
87 pursuant to this section, shall be guilty of a misdemeanor and subject to the general
88 penalties as provided in section 1-8 of this Code.